

Prob 12B  
(7/93)

**UNITED STATES DISTRICT COURT**

for the

District of Nebraska

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
06 MAY 22 PM 1:29  
OFFICE OF THE CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing is Attached)

**Name of Offender:** Ruben Cortes **Docket Number:** 8:00CR130  
**Sentencing Judge:** The Honorable Lyle E. Strom  
United States Senior District Judge  
**Date of Original Sentence:** October 2, 2001  
**Original Offense:** Conspiracy to Distribute Methamphetamine; 21 U.S.C.  
841(a)(1) and 846  
**Original Sentence:** 80 months custody, 5 years supervised release  
**Type of Supervision:** Supervised Release  
**Date Supervision Commenced:** May 12, 2006

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**PETITIONING THE COURT**

☐ To extend the term of supervision for \_\_\_\_\_, for a total term of \_\_\_\_\_.

☒ To modify the conditions of supervision as follows:

**The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 U.S.C. 3583(d).**

**The defendant shall refrain from using illicit drugs and alcohol, and abusing prescription medication during the period of supervision.**

**CORTES, Ruben**

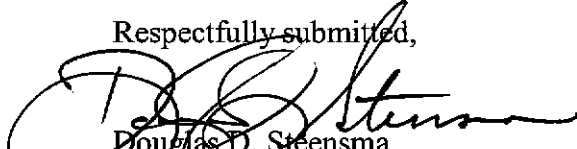
**Request for Modifying the Conditions of Supervision with Consent of the Offender**

**May 15, 2006**

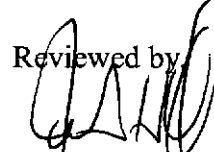
**CAUSE**

Mr. Cortes is currently being supervised by United States Probation Officer Amy Young from the Central District of California. Ms. Young is requesting this modification to comply with the Ninth Circuit Case Law, specifically the Ninth Circuit Court of Appeals' finding in *United States v. Stephens* (9<sup>th</sup> Cir. 2005) which requires the Court to identify the number of random drug tests the offender can be subjected to while in treatment and after treatment is complete.

Respectfully submitted,

  
Douglas D. Steensma  
U.S. Probation Officer


Reviewed by

  
John A. Hill, Supervising  
U.S. Probation Officer

**THE COURT ORDERS**

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- ☐ No Action
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other

  
The Honorable Lyle E. Strom  
U.S. Senior District Judge

5/22/06  
Date

PROB: 49  
(3/89)

UNITED STATES DISTRICT COURT  
District of Nebraska


Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Ruben Cortes, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Additionally, Ruben Cortes shall refrain from using illicit drugs and alcohol, and abusing prescription medication during the period of supervision.

Witness:   
Amy Young  
U. S. Probation Officer

Signed:   
Ruben Cortes  
Supervisee

Date: 3-15-06